
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LUIS GOMEZ-CASTRO,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
VACATE, SET ASIDE, OR CORRECT
SENTENCE**

Case No. 2:24-cv-00728-DN

District Judge David Nuffer

Luis Gomez-Castro (“Gomez-Castro”) sought vacatur of his conviction, immediate release, and \$300 million dollars in damages for civil rights violations in his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (“Motion”).¹ Gomez-Castro subsequently filed an amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (“Amended Motion”) seeking substantially similar relief.² Based on a review of the Motion, Amended Motion, and the underlying criminal docket, an Order to Show Cause re: Dismissal and Untimely and Insufficiently Briefed (“Order to Show Cause”)³ was entered.

In response to the Order to Show Cause, Gomez-Castro filed a document titled “Reference Case No. 24-cv-000728” (“Motion Supplement”)⁴ and the Affirmation of Luis

¹ [Docket no. 1](#), filed September 30, 2024.

² [Docket no. 2](#), filed November 15, 2024.

³ [Docket no. 3](#), filed November 21, 2024.

⁴ [Docket no. 4](#), filed December 13, 2024. The Motion Supplement seeks leave under Fed. R. Civ. P. Rule 15(a) for the Amended Motion to be considered timely. The Amended Motion was already reviewed and evaluated prior to the entry of the Order to Show Cause and the deficiencies identified in the Order to Show Cause apply to both the Motion and Amended Motion. Neither the Motion or Amended Motion appear to be filed within the time limits set

Gomez-Castro in Support of Original and Amended Motion to Vacate and in Response to November 21 Order to Show Cause (“Affirmation”).⁵ As explained below, because Gomez-Castro does not substantively address the deficiencies raised in the Order to Show Cause, the Motion and Amended Motion are DENIED.

The Order to Show Cause stated that Gomez-Castro’s Motion and Amended Motion appeared to be facially untimely for failing to comply with section 2255(f)’s 1-year statute of limitations.⁶ Specifically, the Order to Show Cause noted that: the Motion was not filed within one year of Gomez-Castro’s conviction becoming final; Gomez-Castro did not identify any specific unconstitutional government restraint that prevented adequate investigation; Gomez-Castro did not detail any newly discovered facts he now relies upon or detail his prior inability to discover these facts; and Gomez-Castro did not provide details of an extraordinary circumstance beyond his control that would support equitable tolling.⁷ In his Motion Supplement and Affirmation Gomez-Castro does not demonstrate the Motion or Amended Motion were timely filed; instead, Gomez-Castro argues the entirety of these proceedings are void ab initio based on what appear to be sovereign-citizen ideologies. These arguments are without merit. Based on the failure to demonstrate the Motion and Amended Motion were timely filed, the Motion and Amended Motion are DENIED.

The Order to Show cause also pointed out that Gomez-Castro’s Motion and Amended Motion “do not contain sufficient substantive facts, explanation, or legal authority to support his

forth in 28 U.S.C. § 2255(f) and the Motion Supplement does not address this facial deficiency in the Motion and Amended Motion.

⁵ [Docket no. 5](#), filed December 13, 2024.

⁶ Order to Show Cause at 1-3, [docket no. 3](#), filed November 21, 2024; *see also* 28 U.S.C. § 2255(f).

⁷ Order to Show Cause at 1-3, [docket no. 3](#), filed November 21, 2024.

claims.”⁸ Gomez-Castro was directed in the Order to show cause to “provide specific factual allegations, explanation, and legal authority supporting each of his claims.”⁹ In his Affirmation and Motion Supplement, Gomez-Castro has not provided specific factual allegations, substantive analysis, or explanation with legal authority. Gomez-Castro continues to argue that there was no jurisdiction for any action in the case against him and that everything is void ab initio.¹⁰ This argument is without merit and another independent reason the Motion and Amended Motion are DENIED.

ORDER

IT IS HEREBY ORDERED that the Motion¹¹ and Amended Motion¹² are DENIED. The Clerk of Court is directed to close this matter.

Signed April 7, 2025.

BY THE COURT



David Nuffer
United States District Judge

⁸ Order to Show Cause at 4-5, [docket no. 3](#), filed November 21, 2024.

⁹ *Id.* at 5.

¹⁰ *See e.g.* Motion at 5, Amended Motion at 5, Affirmation at 4.

¹¹ [Docket no. 1](#), filed September 30, 2024.

¹² [Docket no. 2](#), filed November 15, 2024.